

BOARD OF COUNTY COMMISSIONERS

MEMORANDUM

Date: February 6, 2003
To: Honorable Chairman and Members of the Board
Through: Parwez Alam, County Administrator *PA 2/L*
From: Gary W. Johnson, Director, Community Development Department
Subject: Clarification of Boundary Settlement Process, and Revenue Analysis of Associated Fees

At the Board's November 26, 2002 meeting, Attorney George Lewis presented comments to the Board during the Board's discussion on the proposed amendments to the County's Boundary Settlement Exempt Subdivision process. Mr. Lewis generally indicated that the current process was not being adequately enforced by County Growth Management staff, more specifically that enforcement has been generally after-the-fact, and that numerous property line adjustments are occurring without the knowledge, review, or approval of County staff. Based on the comments that were made, staff has reviewed the current situation with regard to the County's Boundary Settlement Exempt Subdivision process and is providing this informational report to the Board.

Staff indicated that the County Growth Management Department typically processes 30 to 35 Boundary Settlement applications per year. These are generally associated with, but not limited to, the movement of a common property boundary line to accommodate the addition to an existing structure, to transfer the ownership of a portion of a property to the adjacent property owner, or to mitigate the impact of development on environmentally sensitive features.

Staff from the County's Property Appraiser's Office has indicated that property line adjustments do occur on a more frequent basis than was represented by staff in the previous Board agenda items concerning the Boundary Settlement Exempt Subdivision process. According to the Property Appraiser's Office, these additional property line adjustments are directly related to technological changes in land surveying. Recent technological advances in surveying equipment and techniques (G.P.S. locational technology, enhanced laser/electronic measuring equipment, etc.), allow for more accurate measurement than was afforded in the past. Therefore, oftentimes when the legal transfer of property occurs, technical readjustments to the property's legal description are required. This process would occur during the property closing process. Generally, the associated technical adjustments are so minimum that the Property Appraiser's Maps are not revised. These types of boundary line adjustment appear to be what Attorney Lewis is representing to the Board.

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Staff continues to believe the County's current Boundary Settlement Exemption Subdivision process is appropriate, and is being implemented accordingly. The technical adjustment procedure outlined above is typically so insignificant as to not require any review by the County. However, the more significant boundary line adjustments that have the potential to impact the ability of the property owner or owners involved to comply with the minimum development standards established by the applicable zoning district, or other regulatory issues outlined in the County's Land Development Code, require a staff administrative review to ensure compliance with all applicable development regulations.

With regards to the issue of requiring "after-the-fact" compliance for those who complete boundary line adjustments without County review and approval, staff has always assisted new property owners' correct boundary line adjustments (as well as improperly subdivided properties) when they have unknowingly purchased property that has been altered by the previous owner. Furthermore, such compliance is also sought by lenders and/or title companies to obtain "clear" title when property changes ownership. Otherwise, the lender will view the title as "clouded" and could refuse to approve mortgages and other loans with the property as collateral because the property deed's legal description (as graphically illustrated on the Property Appraiser's tax maps) would appear different from the representation on the County's development review maps which are used for project review and construction permitting.

In addition, staff has reviewed the fees associated with processing and reviewing Boundary Settlements, and conducted an analysis of the impact eliminating or reducing the fee would have on the 121-Growth Management Fund (GMF).

During the previous two fiscal years (00/01 and 01/02), GEM processed and collected fees for 34 and 33 Boundary Settlement requests, respectively. The fee for each Boundary Settlement was \$500, which corresponds to an average revenue stream of \$16,750. This is approximately one percent of the estimated \$1,675,920 in FY 02/03 forecasted fee revenue for the 121-GMF.

Maximus Inc. reviewed the fees for the 121-GMF during FY 01/02. After analyzing the data for the Boundary Settlement fee, Maximus recommended that the fee be reduced to \$229. During the consideration of Maximus' findings, and adjusting the fees for the 121-GMF, the Boundary Settlement fee was left at \$500. The Board ratified the current fee schedule during their September 17, 2002 meeting, leaving the boundary settlement fee at \$500.

If the fee for processing Boundary Settlements were reduced to Maximus' recommended \$229, the estimated average revenue for the fiscal years reviewed would have been \$7,672, with a correlating reduction in revenue for the 121-GMF by an estimated \$9,328. Eliminating the fee would have reduced revenue by an average of \$16,750.

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The attached table shows the comparison of Boundary Settlement Fees and associated revenues for the two fiscal years reviewed.

An agenda item to provide an additional exemption to the Boundary Settlement Exempt Subdivision Regulations for family-owned property is scheduled to come before the Board on February 11, 2003. If the exemption from filing a recorded affidavit during the Boundary Settlement Exempt Subdivision process is approved, a fee would not be collected when an affidavit is not required to be filed as part of a Boundary Settlement. The fee would continue to be collected where Chapter 10, Leon County Code of Laws, requires that an affidavit to be filed with Boundary Settlement applications. Staff estimates the fiscal impact to the 121-GMF to be minimal, since most applications for Boundary Settlement would not meet the definition of family-owned, and would therefore have to file the required affidavit for recording.

This information has been presented to clarify certain issues that have been raised at several Board meetings during discussions concerning the County's Boundary Settlement Exempt Subdivision process. Please contact me if you require additional clarification regarding this information, or if you would like the Board to reconsider the fees associated with processing Boundary Settlements applications.

cc: Herb Thiele - County Attorney
George Lewis, Esquire
Community Development Division Directors

GWJ/DM/WSR/wsr

Attachment # 1

Boundary Settlement Fee and Revenue Comparisons

Fee Comparison/ Fiscal Year	Current Fee (\$500)	Maximus' Recommended Fee (\$229)	Difference	No Fee
00/01	\$17,000	\$7,786	\$9,214	\$0
01/02	\$16,500	\$7,557	\$8,943	\$0